

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY MOSCOW PRIORITY

S E C R E T STATE 158606

EXDIS

E.O. 11652:XGDS-3 IMPOSSIBLE TO DETERMINE
TAGS:PARM, US, UR
SUBJECT:TTBT/PNE NEGOTIATIONS

STATE MESSAGE NUMBER NINE

1. LIST OF INFORMATION REQUIREMENTS PRESENTED BY FRYKLUND (PARA 6, MOSCOW 8954) BEING REVIEWED TO DETERMINE ITEMS TO BE RETAINED TO MEET US VERIFICATION NEEDS. GUIDANCE WILL BE FURNISHED ASAP.
2. REFERENCE MOSCOW 9023, THIS FORWARDS CURRENT VERSION OF UNOFFICIAL TREATY DRAFT FOR DELEGATION BACKGROUND USE AND PROVISION OF ANY COMMENTS TO WASHINGTON ASAP. IN ADDITION TO GENERAL TIGHTENING OF THE LANGUAGE THROUGHOUT FROM A SECRET

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LEGAL POINT OF VIEW, FOLLOWING SIGNIFICANT CHANGES HAVE BEEN MADE TO TREATY DRAFT OF MAY 29:

(A) IN PREAMBLE, REFERENCE TO SEABEDS TREATY HAS BEEN

DELETED. MENTION OF SEABEDS TREATY IN THIS CONTEXT WAS JUDGED MUCH LESS RELEVANT THAN LTBT, NPT AND TTBT. HOWEVER, PHRASE "IN PARTICULAR" HAS BEEN ADDED TO INDICATE THAT OTHER CONSIDERATIONS APPLY.

(B) ARTICLE I HAS BEEN REWORDED TO CONFORM WITH GENERALLY USED TREATY FORMULATION.

(C) DEFINITIONS OF "EXPLOSION" AND "GROUP" HAVE BEEN BROUGHT UP FROM PROTOCOL I TO NEW ARTICLE II SINCE THESE TERMS ARE USED IN THE TREATY PROPER AND IT WAS JUDGED DESIRABLE TO HAVE DEFINITIONS AVAILABLE AT THIS POINT IN TEXT.

(D) BRACKETED LANGUAGE HAS BEEN USED IN ARTICLE III AND ELSEWHERE IN TREATY TO INDICATE ALTERNATIVE FORMULATIONS WHICH MIGHT RESULT FROM IMPLEMENTATION OF PARA 6 OF STATE 138355 AND PARA 3 OF STATE 29629 (NODIS) DTD 10 FEB 75.

(E) SINCE SOVIETS HAVE STATED IN ROUND II PLENARY (MOSCOW 3488, PARA 5D) THAT THEY DO NOT NEED FURTHER PNE DEVELOPMENT SHOTS ABOVE THRESHOLD, AND SINCE SUCH SHOTS COULD COMPLICATE ENSURING ABSENCE OF WEAPONS BENEFITS ABOVE 150 KT, WE SEE NO NEED TO MAKE EXCEPTION FOR THIS IN LAST PARA OF PROTOCOL III, DATED MAY 29. THIS PARA HAS NOW BEEN DELETED FROM PROTOCOL III AND REFERENCE TO EXCEPTION IN PROTOCOL III HAS BEEN DELETED FROM PRESENT ARTICLE IV. THERE ARE QUESTIONS AS TO THE NEED TO RETAIN PRESENT ARTICLE IV AT ALL, ESPECIALLY IF ALL INDIVIDUAL EVENTS ARE UNDER 150 KT. WOULD APPRECIATE DELEGATION VIEWS ON THIS POINT.

(F) OLD ARTICLE V HAS BEEN MODIFIED AS NEW ARTICLE VI TO LIMIT OBLIGATIONS ONLY TO TREATY PARTIES.

(G) NEW ARTICLE IX ATTEMPTS TO MAKE THE AGREEMENT
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TERMINATION PROVISIONS MORE PRECISE THAN IN OLD ARTICLE VIII.

3. CONSIDERATION BEING GIVEN TO DELEGATION RECOMMENDATION (PARA 9, MOSCOW 9220) REGARDING INCORPORATION IN PREAMBLE OF SOVIET WORDING FROM NWFZ PAPER.

4. NEW TEXT OF TREATY DRAFT IS AS FOLLOWS:

----- DRAFT TREATY (SEE FOOTNOTE NUMBER ONE)
BETWEEN THE UNITED STATES OF AMERICA AND
THE UNION OF SOVIET SOCIALIST REPUBLICS ON
UNDERGROUND NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES

----- PREAMBLE

THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET

FOOTNOTE NUMBER ONE:

THE TERM "TREATY" IS USED THROUGHOUT THIS TEXT WITHOUT
PREJUDICE TO THE ULTIMATE FORM OF THE DOCUMENT.
SOCIALIST REPUBLICS, HEREINAFTER REFERRED TO AS THE
PARTIES,

DECLARING THEIR INTENTION TO IMPLEMENT ARTICLE III OF
THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE
UNION OF SOVIET SOCIALIST REPUBLICS ON THE LIMITATION
OF UNDERGROUND NUCLEAR WEAPON TESTS, WHICH CALLS FOR THE
EARLIEST POSSIBLE CONCLUSION OF AN AGREEMENT ON UNDER-
GROUND NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES,

DESIRING TO ASSURE THAT UNDERGROUND NUCLEAR EXPLOSIONS
FOR PEACEFUL PURPOSES SHALL NOT BE USED FOR PURPOSES
RELATED TO NUCLEAR WEAPONS,

DEEPLY CONSCIOUS OF THE DANGERS TO THE PEACE OF THE
WORLD WHICH COULD RESULT FROM THE PROLIFERATION OF NUCLEAR
EXPLOSIVE DEVICES,

REAFFIRMING IN PARTICULAR THEIR ADHERENCE TO THE
OBJECTIVES, PRINCIPLES AND PROVISIONS OF THE TREATY
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BANNING NUCLEAR WEAPON TESTS IN THE ATMOSPHERE, IN OUTER
SPACE AND UNDER WATER, THE TREATY ON THE NON-PROLIFERATION
OF NUCLEAR WEAPONS, AND THE TREATY ON THE LIMITATION OF
UNDERGROUND NUCLEAR WEAPON TESTS,

HAVE AGREED AS FOLLOWS:

----- ARTICLE I

THIS TREATY ON UNDERGROUND NUCLEAR EXPLOSIONS FOR
PEACEFUL PURPOSES HAS BEEN CONCLUDED PURSUANT TO ARTICLE
III OF THE TREATY ON THE LIMITATION OF UNDERGROUND NUCLEAR
WEAPON TESTS AND SHALL GOVERN ALL SUCH EXPLOSIONS
CONDUCTED BY THE PARTIES AFTER MARCH 31, 1976.

----- ARTICLE II

FOR THE PURPOSES OF THIS TREATY:

(A) "EXPLOSION" MEANS ANY UNDERGROUND NUCLEAR
EXPLOSION FOR PEACEFUL PURPOSES;

(B) "GROUP OF SUBSTANTIALLY SIMULTANEOUS EXPLOSIONS"
MEANS TWO OR MORE EXPLOSIONS FOR WHICH THE DISTANCE
SEPARATING EACH NUCLEAR EXPLOSIVE DEVICE FROM AT LEAST
ONE OTHER NUCLEAR EXPLOSIVE DEVICE, MEASURED FROM THE
POINT OF EMPLACEMENT OF EACH NUCLEAR DEVICE, IS 40 KILO-
METERS OR LESS AND THE TIME INTERVAL BETWEEN INDIVIDUAL
EXPLOSIONS IS 5 SECONDS OR LESS.

----- ARTICLE III

EACH PARTY UNDERTAKES NOT TO CARRY OUT, PARTICIPATE OR
ASSIST IN THE CARRYING OUT ANYWHERE, AND FURTHER UNDER-
TAKES TO PROHIBIT AND PREVENT THE CARRYING OUT IN AREAS
UNDER ITS JURISDICTION OR CONTROL, OF:

(A) ANY EXPLOSION HAVING A YIELD EXCEEDING (100) 150
KILOTONS (EXCEPT AS PERMITTED BY AND IN ACCORDANCE WITH
THE PROVISION SET FORTH IN PROTOCOL III);

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(B) ANY GROUP OF SUBSTANTIALLY SIMULTANEOUS
EXPLOSIONS:

--- (1) HAVING AN AGGREGATE GROUP YIELD EXCEEDING
(100) 150 KILOTONS EXCEPT IN WAYS THAT WILL PERMIT IDENTI-
FICATION OF EACH EXPLOSION AND MEASUREMENT OF THE YIELD
OF EACH INDIVIDUAL EXPLOSION IN THE GROUP IN ACCORDANCE
WITH ARTICLE V OF AND PROTOCOL II TO THIS TREATY; OR

--- (2) HAVING AN AGGREGATE GROUP YIELD EXCEEDING
(500) 1000 KILOTONS.

----- ARTICLE IV

EACH PARTY UNDERTAKES TO DETONATE ANY NUCLEAR EXPLO-
SIVE DEVICE FOR THE PURPOSE OF DEVELOPING, OR IN ANY WAY
ASSOCIATED WITH THE DEVELOPMENT OF, SUCH DEVICES ONLY
WITHIN THE GEOGRAPHICAL BOUNDARIES OF SPECIFIED TEST SITES
ESTABLISHED AND MAINTAINED UNDER THE PROVISIONS OF THE
TREATY ON THE LIMITATION OF UNDERGROUND NUCLEAR WEAPON
TESTS AND IN ACCORDANCE WITH THE PROVISIONS OF THAT
TREATY.

----- ARTICLE V

1. FOR THE PURPOSE OF PROVIDING ASSURANCE OF COM-
PLIANCE WITH THE PROVISIONS OF THIS TREATY, EACH PARTY
SHALL:

(A) USE NATIONAL TECHNICAL MEANS OF VERIFICATION AT
ITS DISPOSAL IN A MANNER CONSISTENT WITH GENERALLY

RECOGNIZED PRINCIPLES OF INTERNATIONAL LAW; AND

(B) PROVIDE INFORMATION AND ACCESS TO SITES OF EXPLOSIONS AND FURNISH ASSISTANCE IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN PROTOCOLS I AND II (AND III).

2. EACH PARTY UNDERTAKES NOT TO INTERFERE WITH THE NATIONAL TECHNICAL MEANS OF VERIFICATION OF THE OTHER PARTY OPERATING IN ACCORDANCE WITH PARAGRAPH 1(A) OF THIS ARTICLE, OR WITH THE EXERCISE OF THE RIGHT TO ACCESS PRO-
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VIDED FOR IN PARAGRAPH 1(B) OF THIS ARTICLE.

----- ARTICLE VI

EACH PARTY UNDERTAKES NOT TO CARRY OUT, PARTICIPATE, OR ASSIST IN THE CARRYING OUT OF, ANY EXPLOSION IN THE TERRITORY OF ANOTHER STATE UNLESS THAT STATE AGREES TO THE IMPLEMENTATION IN ITS TERRITORY OF THE PROVISIONS OF ARTICLE V OF AND PROTOCOLS I AND II (AND III) TO THIS TREATY, INCLUDING THE PROVISION OF ANY ASSISTANCE NECESSARY FOR SUCH IMPLEMENTATION.

----- ARTICLE VII

TO PROMOTE THE OBJECTIVES AND IMPLEMENTATION OF THE PROVISIONS OF THIS TREATY, EACH PARTY SHALL, UPON REQUEST, CONSULT WITH THE OTHER, AND FURNISH INFORMATION IN RESPONSE TO ANY INQUIRIES THAT EACH MAKES OF THE OTHER.

----- ARTICLE VIII

EACH PARTY MAY PROPOSE AMENDMENTS TO THIS TREATY. AGREED AMENDMENTS SHALL ENTER INTO FORCE IN ACCORDANCE WITH THE PROCEDURES GOVERNING THE ENTRY INTO FORCE OF THIS TREATY.

----- ARTICLE IX

1. THIS TREATY SHALL REMAIN IN FORCE FOR A PERIOD OF FIVE YEARS, AND IT SHALL BE EXTENDED FOR SUCCESSIVE FIVE-YEAR PERIODS UNLESS EITHER PARTY NOTIFIES THE OTHER OF ITS TERMINATION NO LATER THAN SIX MONTHS PRIOR TO ITS EXPIRATION. HOWEVER, IN NO EVENT SHALL EITHER PARTY BE ENTITLED TO TERMINATE THIS TREATY WHILE THE TREATY ON THE LIMITATION OF UNDERGROUND NUCLEAR WEAPON TESTS REMAINS IN FORCE.

2. TERMINATION OF THE TREATY ON THE LIMITATION OF UNDERGROUND NUCLEAR WEAPON TESTS SHALL ENTITLE EITHER PARTY TO WITHDRAW FROM THIS TREATY AT ANY TIME.

3. SIMULTANEOUSLY WITH THE CONSIDERATION OF ANY PRO-
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POSED AMENDMENT TO OR REPLACEMENT OF THE TREATY ON THE
LIMITATION OF UNDERGROUND NUCLEAR WEAPON TESTS, THE
PARTIES SHALL CONDUCT JOINTLY A REVIEW OF THIS TREATY.

----- ARTICLE X

1. THIS TREATY, INCLUDING PROTOCOLS I AND II (AND III)
WHICH FORM AN INTEGRAL PART HEREOF, SHALL BE SUBJECT TO
RATIFICATION IN ACCORDANCE WITH THE CONSTITUTIONAL PRO-
CEDURES OF EACH PARTY. THIS TREATY SHALL ENTER INTO
FORCE ON THE DAY OF THE EXCHANGE OF INSTRUMENTS OF RATIFI-
CATION BUT NOT PRIOR TO THE ENTRY INTO FORCE OF THE TREATY
ON THE LIMITATION OF UNDERGROUND NUCLEAR WEAPON TESTS.

2. THIS TREATY SHALL BE REGISTERED PURSUANT TO
ARTICLE 102 OF THE CHARTER OF THE UNITED NATIONS.

DONE AT , IN TWO COPIES, EACH IN THE
ENGLISH AND RUSSIAN LANGUAGES, BOTH TEXTS BEING EQUALLY
AUTHENTIC. SISCO

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<< END OF DOCUMENT >>

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